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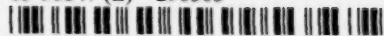
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 15 May 2003 from the Permanent Mission of the Commonwealth of The Bahamas to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Commonwealth of The Bahamas to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to the latter's note dated 4 March 2003 regarding the report to be submitted by Member States pursuant to paragraph 6 of resolution 1455 (2003).

In this regard, the Mission is pleased to forward the report of the Commonwealth of The Bahamas. The Mission regrets the late submission of this report.



Annex to the note verbale dated 15 May 2003 from the Permanent Mission of the Commonwealth of The Bahamas to the United Nations addressed to the Chairman of the Committee

**COMMONWEALTH OF THE BAHAMAS
REPORT ON UN SECURITY COUNCIL RESOLUTION 1455**

The Government of the Commonwealth of The Bahamas is mindful of the obligation placed on member states of the United Nations to implement in full resolution 1455 (2003) including with regard to any member of the Taliban and the Al-Qaida organization and any individuals, groups, undertaking and entities associated with the Taliban and the Al-Qaida organization, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorists as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions

The report is submitted to the Security Council Committee established pursuant to resolution 1267 (1999) in compliance with paragraph 6 of UN Security Council resolution 1455 (2003)

1. *DECIDES to improve the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002);*

1. *Resolution 1267 (1999)*

4(b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorised by the

Committee on a case by case basis on the ground of humanitarian need;

The International Obligations (Economic and Ancillary Measures) Act Chapter 16 Revised Edition of the Laws of The Bahamas provides for the imposition of economic sanctions and for the taking of ancillary measures to give effect to the international obligations of The Bahamas. Section 3 (1) of that Act enables the Governor General, for the purpose of implementing a decision, resolution or recommendation of an international organization or association of states of which The Bahamas is a member, that requests its members to take economic measures against a foreign state, or where the Governor General is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in serious international crisis-

- (a) make such orders or regulations with respect to the restriction or prohibition of any of the activities referred to in subsection (2) in relation to a foreign state as the Governor General considers necessary; and
- (b) by order, cause to be seized, frozen or sequestered in the manner set out in the order any property situated in The Bahamas that is being held by or on behalf of
 - (i) a foreign state;
 - (ii) any person in that foreign state, or
 - (iii) a national of that foreign state who does not ordinarily reside in The Bahamas,

with a view to preventing the removal of such property in contravention of the laws of The Bahamas.

Section 3(2) of the Act provides that orders and regulations may be made pursuant to paragraph (1)(a) with respect to the restriction or prohibition of any of the following activities, whether carried out in or outside The Bahamas, in relation to a foreign state:

- (a) any dealing by any person in The Bahamas or Bahamian outside The Bahamas in any property wherever situated held by or on behalf of that foreign state, any person in that foreign state, or a national of that foreign state who does not ordinarily reside in The Bahamas;

- (b) the exportation, sale, supply or shipment by any person in The Bahamas or Bahamian outside The Bahamas of any goods wherever situated to that foreign state, or any other dealing by any person in The Bahamas or Bahamian outside The Bahamas in any goods wherever situated destined for that foreign state or any person in that foreign state;
- (c) the importation, purchase, acquisition or shipment by any person in The Bahamas or Bahamian outside The Bahamas of any goods that are exported, supplied or shipped from that foreign state after a date specified in the order or regulations, or any other dealing by any person in The Bahamas or Bahamian outside The Bahamas in any such goods;
- (d) the provision or acquisition by any person in The Bahamas or Bahamian outside The Bahamas of financial services or any other services to, from or for the benefit of or on the direction or order of that foreign state or any person in that foreign state;
- (e) the docking in that foreign state of ships registered or licensed, or for which an identification number has been issued under the laws of The Bahamas;
- (f) the landing in that foreign state of aircraft registered in The Bahamas or operated in connection with a Bahamian air service licence;
- (g) the docking in or passage through The Bahamas by ships registered in that foreign state or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign state or a person in that foreign state; and
- (h) the landing in or flight over The Bahamas by aircraft registered in that foreign state or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign state or any person in that foreign state.

By section 4 of the Act, the Governor General may issue to any person in The Bahamas or Bahamian outside The Bahamas a permit to carry out a specified activity that is restricted or prohibited pursuant to this Act or any order or regulation made under the Act.

Pursuant to this Act the Governor General executed the **International Obligations (Economic and Ancillary Measures) (Afghanistan) Order 2001 S.I. No. 139 of 2001**. This Order prohibited the sale or supply of goods to Afghanistan; prohibits the provision of financial services to or any business with Osama Bin Laden and the Al Qaida Organization of any individuals or entities associated with them. The Order also freezes any accounts held in the name of Osama Bin Laden, the Al Qaida organization or any person or organization associated with them as designated from time to time by the Attorney General after consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

The Attorney General, after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit has issued four notices under the International Obligations (Economic and Ancillary Measures) Order. These notices were issued on 27 September 2001, 16 October 2001, 12 November 2001 and 15 November 2001.

As a result of the notices being forwarded to the financial institutions, three accounts totalling in excess of US\$ 32 million were frozen as a protective measure because of the similarity of names of alleged terrorists appearing on the lists.

During the week of 22 October 2001, a team from the United States of America comprising officials from the Federal Bureau of Investigation, the Financial Crimes Enforcement Network, the Internal Revenue Service, the Secret Service, the Federal Reserve Bank and the United States Customs visited The Bahamas and assisted in the investigation of the source of the \$32 million. As a result of the investigation, it was determined that none of the funds were connected to any of the terrorists named on the lists and the funds were released.

2. Resolution 1333 (2000)

Paragraph 8 (c)

"To freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee, including those in the Al-Qaida organization, and including funds derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any other persons within territory, directly or indirectly for the benefit of Usama bin Laden, his associates or any entities owned or controlled, directly or indirectly by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organization and requests the Committee to maintain an updated list, based on information provided by States and regional organizations, of the individuals and entities designated as being associated with Usama bin Laden, including those in the Al-Qaida organization;

Please see response to paragraph 4(b) of resolution 1267 above.

Additionally, as lists of persons suspected of being associated with Usama bin Laden and the Al-Qaida organization have been released by the United Nations Security Council or any other organization these lists have been forwarded to the Central Bank of The Bahamas and the Financial Intelligence Unit for necessary action. To date there has been no evidence of any funds connected with Usama bin Laden or the Al-Qaida organization and individuals and entities associated with him.

3. Resolution 1390 (2002)

1. Decides to continue the measures imposed by paragraph 8(c) of resolution 1333 (2000) and takes note of the continued application of the measures imposed by paragraph 4 (b) of resolution 1267 (1999) in accordance with paragraph 2 below, and decides to terminate the measures imposed in paragraph 4 (a) of resolution 1267 (1999);

2. Decides that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolutions 1267 (1999) hereinafter referred to as "the Committee"

- (a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or their nationals or y any persons within their territory;**
- (b) prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case by case basis only that entry or transit is justified;**

- (c) ***prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;***

The International Obligations (Economic and Ancillary Measures) Act gives effect to this Resolution. Section 3 (1) of that Act enables the Governor General, for the purpose of implementing a decision, resolution or recommendation of an international organization or association of states of which The Bahamas is a member, that requests its members to take economic measures against a foreign state, or where the Governor General is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in serious international crisis-

- (a) make such orders or regulations with respect to the restriction or prohibition of any of the activities referred to in subsection (2) in relation to a foreign state as the Governor General considers necessary; and
- (b) by order, cause to be seized, frozen or sequestered in the manner set out in the order any property situated in The Bahamas that is being held by or on behalf of –
 - (i) a foreign state;
 - (ii) any person in that foreign state or
 - (iii) a national of that foreign state who does not ordinarily reside in The Bahamas,with a view to preventing the removal of such property in contravention of the laws of The Bahamas.

The International Obligations (Economic and Ancillary Matters) (Afghanistan) Order was promulgated on 26 September 2001. (S.I. No 139 of 2001). Paragraph 2 of The International Obligations (Economic and Ancillary Matters) (Afghanistan) Order 2001 provides that no person shall -

- (a) directly or indirectly supply, sell and transfer to the territory of Afghanistan under Taliban control, arms and related materials of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts in respect of the aforementioned;
- (b) directly or indirectly sell, supply and transfer to the territory of Afghanistan under Taliban control, technical advice, assistance or training relating to the military activities of the armed personnel;
- (c) sell, supply or transfer the chemical anhydride to any person in the territory of Afghanistan under Taliban Control.

The Order further provides in paragraph 3 that no aircraft shall be permitted to take off from, land in or fly over The Bahamas if that aircraft is destined to land or has taken off from Afghanistan.

Paragraph 4 of the Order prohibits the dealing by any person in The Bahamas or any Bahamian outside The Bahamas in any property wherever situated held by or on behalf of the territory of Afghanistan under Taliban control; Usama bin Laden or the Al-Qaida organization.

Paragraph 5 of the Order prohibits the provision or acquisition by any person in The Bahamas or any Bahamian outside The Bahamas of financial services or any other services to, from or for the benefit of or on the direction or order of the territory of Afghanistan under Taliban control; Usama bin Laden or the Al-Qaida organization.

Paragraph 6 of the Order prohibits banks and financial institutions in The Bahamas from transacting any business with Usama bin Laden, the Al-Qaida organization or any individuals or entities associated with or allegedly associated with Usama bin Laden or the Al-Qaida organization as designated from time to time by the Attorney General after consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

Further all banks and financial institutions licensed in The Bahamas were ordered to freeze all accounts held in the name of Usama bin Laden, the Al-Qaida organization or any individuals or entities associated or allegedly associated with Usama bin Laden or the Al-Qaida organization as designated from time to time by the Attorney General after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit.

All lists of alleged terrorists are forwarded to The Central Bank of The Bahamas who would forward the said lists to all financial institutions licensed by the Bank. To date there has been no evidence of any terrorist activity in The Bahamas by Usama bin Laden or the Al-Qaida organization or any individuals or entities associated with Usama bin Laden and the Al-Qaida organization.

Under the **Immigration Act** no person shall land in The Bahamas from any place outside or embark in the Bahamas from any destination outside The Bahamas save with the leave of any immigration officer and elsewhere than at an authorized port or at such other place as an immigration officer may allow.

Additionally, there are administrative and legislative arrangements, which allow for persons to be placed on a national stop list. A person's name is entered on the stop list where the Board is satisfied that any person who is not a citizen of The Bahamas or a permanent resident and who is for the time being outside The Bahamas, is a person who has, while in The Bahamas conducted himself in a manner which is undesirable; or is a person whose landing in The Bahamas appears undesirable in view of information or advice received from any source which the Board considers reliable. In the event that a person has entered The Bahamas they can be subject to deportation.

The names of persons suspected of being terrorists or involved in terrorism as contained in lists issued from time to time have also been forwarded to the Immigration Board and any person whose name is on any of the said lists would be prevented from entering The Bahamas and placed on the stop list.

The Bahamas has signed the Inter American Convention on the Illicit Manufacture and Trafficking in Weapons, Munitions, Explosives and Related Materials (1997).

CONCLUSION

The Bahamas remains firmly committed to its obligations to the United Nations and in support of Security Council Resolutions.

Attachment*

1. **The International Obligations (Economic and Ancillary Measures) Act;**
2. **The International Obligations (Economic and Ancillary Measures) (Afghanistan) Order 2001;**
3. **The Immigration Act.**

* The enclosures referred to in the report are on file with the Secretariat, room S-3055, and are available for consultation.